

Planning and Community Development

Monday April 15, 2013 – 7:00 pm

The Planning and Community Development Committee met on the above date at the Osprey Community Centre, with the following members in attendance:

Present: Chair Arlene Wright.

Regrets: County Planning Committee; Councillors Terry McKay, Alan Barfoot, Wayne Fitzgerald, Kathi Maskell, Norman Jack, John Bell, Francis Richardson and Warden Duncan McKinlay.

Present: Municipality of Grey Highlands Council Members Paul Allen, Lynn Silverton, Stewart Halliday, Dave Clarke, David Kell and Paul McQueen.

Dan Best, CAO, Debbie Robertson, Clerk and Director of Corporate Services.

Staff

Present: Sarah Morrison, County Intermediate Planner and Barb Heerschap, Recording Secretary.

Others: Dave Slade, Planning Consultant for Applicant. Michael Cullip, CC Tatham & Associates, Michael Jones, Hydrologist, Azimuth Environmental Consulting Inc. Anthony Agueci, Applicant/Owner.

Call to Order

Chair Paul Allen called the joint public meeting to order. Municipal staff and Council were then introduced.

Chair Arlene Wright introduced County staff.

Sarah Morrison read the regulations on behalf of the County and the Municipality of Grey Highlands.

The purpose of this Joint Public Meeting is to provide an opportunity to discuss a proposal for two (2) Official Plan Amendments and a zoning by-law amendment which will affect the lands described as Part Lot 9, Concession 14, Municipality of Grey Highlands (Geographic Township of Osprey).

The proposal consists of two parcels of land, one being 19.7 hectares in size and the other being 5.8 hectares in size. Please be advised that an application for consent to merge these two (2) parcels of land has been submitted for hearing by the Committee of Adjustment – date for hearing to be determined.

A joint Public Meeting was initially held for the County Official Plan Amendment, Local Official Plan Amendment, zoning by-law amendment and the above noted matters on May 17, 2007 @ 7:00pm.

The purpose and effect of the County Official Plan Amendment, is to permit within the rural designation a water loading operation and accessory uses including a pipeline, access and a storage structure.

The purpose and effect of the Municipality of Grey Highlands Official Plan Amendment is to permit the subject lands to be used for the purposes of commercial water taking. The effect of this amendment would be to add a new policy to Section 4.2.2. of the Official Plan permitting the use of the subject property for a commercial water taking operation and accessory uses.

The purpose of the Zoning By-law Amendment is to amend the Municipality of Grey Highlands Zoning By-law No. 2004-50 from Rural (RU) and Hazard (H) to Light Industrial (M1-X) and Hazard (H) to permit the development of a commercial water taking operation on the subject lands. The effect of the Zoning By-law Amendment would change the zone symbol on Schedule “A-6” of By-law No. 2004-50 from “RU” and “H” to “M1-X”, “RU” and “H”. The Zoning By-law Amendment would implement the Official Plan Amendment by permitting the subject lands to be used for the purposes of commercial water taking. Exception “X” would limit the commercial water taking on the lands to a maximum of 49,000 litres per day, as well as recognizing the location of buildings on the property that are located on hazard lands.

As required by Section 17, of the *Planning Act* RSO 1990, as amended, Council shall ensure that at least one public meeting is held, notice of which shall be given in the manner and to the persons and public bodies containing in the prescribed information.

In accordance with the *Planning Act* and the implementing Regulations being Ontario Regulation 198/96, the County of Grey gave Notice on behalf of the Municipality of Grey Highlands, of this Public Meeting by individual prepaid first class mail to persons within 120 metres based on the most recent assessment information provided by MPAC (Municipal Property Assessment Corporation), and to an extensive list of agencies as set out in the regulations. The public meeting notice is located on the County web site at www.grey.ca

It is imperative to note that:

Any person or public body may attend the Public Meeting and make written and/or verbal representation either in support of or in opposition to this proposal. If a person or public body that files an appeal of the decision of the County of Grey or the Municipality of Grey Highlands in respect of the proposed County Official Plan Amendment and does not make oral submissions at the Public Meeting or make written submission to the County of Grey before the proposal is approved or refused, the Ontario Municipal Board may dismiss the appeal.

If you wish to be notified of the adoption of the proposed County Official Plan Amendment, you must make a written request to the County of Grey at 595 9th Ave. East, Owen Sound, Ont. N4K 3E3 or the Municipality of Grey Highlands. This can be mailed to the County or deposited with Barb Heerschap, Administrative Assistant or Debbie Robertson, Clerk, this evening.

Dave Slade, from D.C. Slade Consultants, Consultant for the applicant, is in attendance this evening to answer any questions with regard to the proposal and will also make a brief presentation.

Comments received from the following individuals:

Sandy Bourne via email February 6, 2013 – requested notification. Via email April 12, 2013 (attached letter) – opposed to the Oro Ridge Proposal. Concerns with negative effect on natural environment, diminish Grey County's reputation for tourism. Osprey-Blue Mountains Townline not suitable for truck traffic, historically dangerous road. Who will monitor the water taking, is there a need for this use with another water taking facility in the Municipality. How does taking the water to Greater Toronto Area serve the needs of the immediate area? Use is not compatible.

Delia Dobson via email February 8, 2013 – concerned with depletion of aquifers.

Friends of Kolapore in a letter received March 11, 2013 – opposed to the Oro Ridge Proposal. The use is incompatible, it is inappropriate for the road, the increases the potential for large water taking operation expansion, impact to cold water fishery/habitat, it is not sustainable, no local benefit.

Lyle Parks via email March 24, 2013 – concerned with water taking.

Jennie (Free Spirit tours) via email March 25, 2013 – concerned with effects on water table and traffic.

Joan Merriam via email March 31, 2013 – object to Oro Ridge Proposal, or any water taking venture, concerned with protection of watershed, impact on environment, safety issues on the road, preservation of rural character.

Ken Stephenson via email on April 3, 2013 – opposed Oro Ridge Proposal.

Richard Griffith via email April 3, 2013 – opposed to Oro Ridge Proposal. Watershed must be protected.

Harold Lupia via email March 26, 2013 and April 4, 2013 – object to Oro Ridge Proposal. Concerns are: impact on surrounding rural environment, safety issues with regard to traffic, environmental impact on surrounding watershed.

Mike Reid via email April 5, 2013 – incompatible use, concerns with effects on ecosystem, effect on watershed, jeopardize rural character.

Don Kerr via email April 6, 2013 – opposed to Oro Ridge Proposal. Water taking is disruptive to the natural features of the area.

William & Leslie McMullen via email April 7, 2013 – concerned with truck traffic and safety, the effect of water taking to the stream on their property, not a compatible use (recreation not commercial).

Town of the Blue Mountains via email (attached letter) April 8, 2013 – Want to be involved in any further discussion regarding proposal. Will water taking assessment be peer reviewed? How will the operation be monitored for compliance (49,000L/day)? Will the Transportation Review be peer reviewed? Has a geotechnical report been completed with respect to the road? Without the peer review and geotechnical the application is pre-mature. Town of the Blue Mountains has not indicated that the haul route is their preferred route. All signage on the road must be posted to the satisfaction of the Town. Any road agreement must include Town of the Blue Mountains as a party.

Heather Reid via email April 10, 2013 – concerned with preserving and protecting the biodiversity, environmental impact.

Mike Lapenna via email (attached letter) April 10, 2013 – opposed to Oro Ridge Proposal. Environmental concerns, truck traffic concerns, property values, concerns with how the water taking will be monitored. Water supply for surround neighbours, if issues occur within a 3km radius the onus should be on water taker to drill a new well.

Joan Nuffield via email April 11, 2013 – opposed to Oro Ridge Proposal. Incompatible use, damage to farming, fishing and passive-use tourism industries.

Robert (Bob) Hann via email April 11, 2013 – opposed to Oro Ridge Proposal. Minimal benefit to residents of GH and generate significant costs for residents. Incompatible with natural habitat and beauty. Direct economic risk to long established local business, particularly trout farm. Concerns with the road, the ability for it to handle the truck traffic and the safety for other users.

Norman J. Wingrove, Blue Mountain Watershed Trust Foundation via email (attached letter) April 13, 2013 – object to Oro Ridge Proposal. Incompatible use, negative impacts to tourism, wildlife and fish habitat, impact on environmentally sensitive area. Should not be used for commercial uses.

Katherine Maxwell via email (attached letter) April 13, 2013 – opposed the Oro Ridge Proposal. Concerned with monitoring and precedent being set, for other “light industrial” water taking applications. Concerns with community safety, road is not paved and is narrow and curvy. Environmental impact also a concern, property is within Conservation Authority regulated area, is this use permitted under these regulations? Is there any economic benefit to the use, and is there any societal benefit to taking the water to the Greater Toronto Area when it should be preserved? Should not support the proposal.

Amanda Knight & Andy Vergut via email (attached letter) April 15, 2013 – opposed to Oro Ridge Proposal. The use proposed is an incompatible land use.

Vojka Glazar – Letter dated April 15, 2013 – In summary, sincere concerns to the proposed Official Plan amendment and zoning by-law amendment by the Oro Ridge Corporation for the purpose of commercial water taking. This must be stopped for protection of water security for local residents, their communities, future generations and the nature that surrounds them.

Mike Jaksic – Letter dated April 15, 2013 – In summary, strongly recommends this proposal be rejected.

Pamela Anderson & Lesley Shoji – Letter dated April 15, 2013 – In summary, for the record they are opposed to both plans feeling this is incompatible with nature and all that this area boasts. Given the current sensitivity to environmental issues such as water supply, they hope the correct decision is made in this manner that would be to implement a ruling to now allow this area to ever be one that allows water taking facilities to be set up.

Comments received from 2007:

Grey Sauble Conservation Authority – Letter dated May 14, 2007 – In summary, the Grey Sauble Conservation Authority have provided comments on the water taking aspect of the proposal to the Ministry of the Environment. Some of these concerns do

not appear to be addressed through the Source Report (GLL). The GSCA recommend that an environmental impact study be completed. The impact study should assess fish habitat on the site. Also should look at other natural heritage features under section 2.1 of the Provincial Policy Statement. The study should be completed to the satisfaction of the GSCA and the Federal Department of Fisheries and Oceans. A number of manmade structures are located on the site which may have impacted fish habitat. The GSCA recommend mitigation measures be incorporated into the environmental impact study to improve and/or rehabilitate these past disturbances.

Town of The Blue Mountains – Letter dated May 9, 2007 – In summary, Concerns about truck routing and would like the preferred haul route identified in the *Planning Report, Proposal for Water Loading Facility June 2006*, to be the only route used by the proponent. Vehicle Weight may exceed the capacity of this road. A detailed engineering assessment must be completed of the Osprey-Town of The Blue Mountains Townline Road with recommended improvements required to safely permit the movement of the water trucks and to avoid damage to the existing road. The Dept. of Engineering and Public Works can offer no other comments until this report is reviewed.

Chris Leitch, President, Rob Roy Trout Club – Letter dated May 17, 2007 – In summary, Unacceptable to rezone this land for numerous reasons. Not the least is the damage they feel the proposed usage of this property will have on the delicate environment of the Kolopore watershed.

Joan Short, Letter dated May 17, 2007 – In summary, accept her letter as a vote for not allowing any more water taking facilities.

Greg and Marilyn Short – Letter dated May 17, 2007 – In summary, against water taking facilities.

Kelly M. McKinnon & John A. Berton – Letter dated May 16, 2007 – In summary, object to the proposed amendments and the development of a commercial water taking operation.

Andrea E. Vincent – Letter dated May 11, 2007 – In summary, strongly object to yet another water taking in this area.

Allen and Carolin Barnstaple – Letter dated May 15, 2007 – In summary, express opposition to the proposed amendments.

Mark Elsley – Letter dated May 14, 2007 – In summary, potentially will affect traffic to and from the site.

Marcus Schubert – Letter dated May 15, 2007– In summary, it is their intention to take every avenue available to see this proposal rejected.

Mike Jaksic – Letter dated May 15, 2007 – In summary, it is their intention to see this proposal rejected.

Alexander James Black – Letter dated May 14, 2007 – In summary, fail to see the value of the proposed change to the Municipality of Grey Highlands and for the taxpayers.

Dennis & Kathleen McCalla – Email dated May 11, 2007 – In summary, oppose to the granting of any further water taking rights in Grey Highlands.

Leslie & Bill McMullen – Letter dated May 7, 2007 – In summary, strongly urge the Planning & Development Committee of Grey and the Municipality of Grey Highlands not to change the existing zoning by-laws and not to permit the development of a water loading operation.

If there are any comments, questions or concerns for those in attendance this evening please address Chair Wright/Councillor Allen and give your name and Lot and Concession for the record.

Chair Wright noted and advised that a decision will not be made this evening as this meeting is to gather information only on the proposal.

Dave Slade introduced the Consulting team.

Dave Slade introduced the Applicant, Anthony Agguchio, He advised that this is a small water business with due respect to natural environment, community local Council. He indicated he would welcome comments and concerns tonight which would assist and better understand the outstanding issues.

Dave Slade presented a power point presentation. He gave a brief history overview of the proposal. He advised the property is 63 acres in size. The property is located on the Townline between Town of The Blue Mountains and the Municipality of Grey Highlands. He noted the required approvals which included a Local Official Plan Amendment, County of Grey Official Plan amendment and zoning by-law amendment. Site plan approval is required from the Municipality of Grey Highlands.

Mr. Slade noted that the previous owner/applicant of this property, Paradise Springs, was unable to proceed with the proposal due to financial reasons and therefore went into receivership. The previous file was for a water loading facility and to transport water which included a permit to take water for 112,320/litres per day.

The applicant has met with staff from the County of Grey, Municipality of Grey Highlands and the Conservation Authority and permission was granted to re-activate the file from the past and all reports had to be updated.

Mr. Slade noted that one outstanding issue was the negotiation of an acceptable Development Agreement with the Municipality and the Applicant.

He advised that the current proposal is to take water at a maximum of 49,000 litres per day, there are no new buildings proposed. He advised that there is a spring under one building where the water is collected and pumped to a storage building located adjacent to the Townline. The water is stored in this building and transported to the market where it is required. The loading area and gravel parking lot is already in place.

Mr. Slade advised that removal of water at a maximum of 49,000 litres per day will be an average of 1.225 trucks per day based on a truck with a 40,000 litres capacity. The product will be sold to the Greater Toronto Area. The trucks will travel east on Osprey/Town of The Blue Mountain Townline, south along Township Road 45, east along Concession 12B to County Road 2. A traffic study has been prepared by CC Tatham & Associates. This proposal will provide some employment with an on-site employee who will monitor and watch the spring and the loading of water.

Mr. Slade noted that truck traffic will consist of large trucks typically a 40,000 litre truck. He noted that water below 49,000 litres per day does not require a permit to take water from the Ministry of Environment.

A water taking assessment has been prepared by a Consultant. The study concluded extraction will be less than 5%. The previous application did have a permit to take water for 112,300 litres, although the permit is lapsed.

Mr. Slade noted that they would like to satisfy the Municipality with a development agreement and work with the community and establish a development agreement.

Michael Jones, Hydrogeologist noted the property has two (2) main springfields. Water is captured in a passive sense. He noted that the water taking is piped to the storage tanks which regulates amount of water taken in one day.

He noted that 49,000 litres of water is equal to two garden hoses running for a full day. The measured flow at the spring is about 2,000,000 litres/day. The proposed water taking is about 2.5% of base flow.

He explained that passive surface water taking has no ability to affect ground water regime or private wells since springfield is down gradient of aquifer. If there is any expansion to this proposal it will require a permit to take water.

Michael Cullip addressed the transportation issues related to the development site.

He noted that he reviewed the impacts of traffic on the physical road system, site lines and safety. The site is located on the Osprey Blue Mountains Townline and the first haul route option is from the site on the Osprey Blue Mountains Townline to Grey Road 2. The Grey County road system is developed to serve all types of vehicles.

Mr. Cullip indicated the second option choice is to take the Townline south on township road 45, east onto Concession 12B to County Road 2.

The following individuals spoke:

Leslie McMullen;
Joan Nuffield;
William McMullen;
Richard Griffith;
Sean Brady;
Sandy Bourne;
Norman Wingrove;
Peter Rzadki;
Mike Jaksic;
Mark Menaro;
John McCowan,
Richard Frisby;
Bruce King;
Jack Rozansici;
Carolin Barnstaple;
Barbara McCowan
Bob Hann.

Issues of concern were as follows:

What are the width of the trucks, this is a safety issue?
Cannot see trucks, very vertical hill, site lines;
This proposal will start small and become big;
Threatening cold water trout spawning;
Environmental impact on area;
Inappropriate use of a beautiful place;
Province is interested in cold water springs;
Protect for future generations;
Area to enjoy cross country ski trails, mountain bikers;
Does not support water taking to the Greater Toronto Area;

Several blind spots on road;
Road is not in good shape, several pot holes;
How many trucks will be on this road;
What is the weight of the trucks?
Road conditions will not handle trucks?
Preserve water, not take it.
Roads will have to be improved, who incurs this cost?
Several vehicles in ditch in the winter along this road;
Did you check the impact on the artesian well?
Habitat to birds, fish, frogs.
Would like to see the government involved.
Load restrictions on road, how is the road maintained?
Did not know about this meeting? Was it in local papers?
Do not proceed without stakeholders support.
Assume there is truck traffic allowed on the townline road, this will be open to all trucks in the area;
Snow banks along this road are a huge safety concern;
Has the County and the Province been circulated on this proposal?
There should be a better use for this piece of land;
Light industry, what does this include?
How do you come up with two million litres?
Do not allow any more water taking facilities;
Opposed to the proposed amendments;
This is an incompatible use;
Several road safety issues;
Why is there a need for Oro Ridge?
Issues of road strength and upgrading of the road;
Application does not meet the criterion of serving the needs of the immediate area and the agricultural/rural area;
Applications do not meet the test of overall consistency with the Provincial Policy Statement;
The number of buildings on the site violate various permit requirements;

Comments from Consultants

Michael Cullip stated from a transportation perspective, 5 metres is not ideal however not uncommon to have a 5 metre road in a rural area. He noted he is uncertain of the width of trucks but will look into it and report back.

Dave Slade advised that if the applicant wishes to expand they would have to go through the same process as we are going through today.

Dave Slade noted that this proposal is for a site specific use only and cannot convert to any other industrial use. He did clarify that the permit is for the removal of water for 49,000 litres/per day which will include year round hauling. There is a small storage building on the site which could house water for a day or two.

Comments from County Planner

Sarah Morrison advised that the County Clerk's office and the Province was circulated notice of this meeting.

Sarah Morrison noted that she could not give a time frame for the applications as the studies from this proposal will have to be peer reviewed. She reminded the public if they would like notification of the decision they must advise in writing to the County or the Municipality of Grey Highlands offices.

There were no further questions.

Chair Allen thanked the public for attending.

The joint public meeting adjourned at 9:15 p.m.

Arlene Wright, Chair